

MINUTES OF THE CITY OF LAS VEGAS HOUSING AUTHORITY COMMISSION MEETING HELD ON WEDNESDAY SEPTEMBER 19, 2018 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS.

MADAM CHAIR: Tonita Gurulé-Girón

COMMISSIONERS: David Ulibarri Jr.
David Romero
Ember Davis Absent
Vince Howell
Barbara Casey

ALSO PRESENT:

Barbara Padilla, Interim Housing Director
Natasha Martinez-Padilla, Finance Specialist

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Madam Chair Gurulé-Girón asked Commissioner Vince Howell to offer the moment of silence. Commissioner Howell said to keep in mind all the residents that are North Carolina and South Carolina who are going through devastation in the last week. Keep them in your prayers.

APPROVAL OF AGENDA

Prior to the approval of the Agenda, Commissioner David Romero stated he submitted a request for an agenda item, which was also voted on unanimously by the Board of Commissioners. He stated he was disappointed that the item is not on the Agenda and asked if Madam Chair Gurulé-Girón could explain why. Madam Chair Gurulé-Girón stated she called the DC office and she requested an independent audit from a team unaffiliated with the New Mexico HUD office so they can have a fair and impartial audit from the Housing. She stated that she was advised to hold off on that Resolution until their independent audit is complete. Commissioner David Romero asked if Madam Chair Gurulé-Girón had any type of communication to let the Board know. He stated he is disappointed that she did not call and let anyone know. Madam Chair Gurulé-Girón stated that she was actually putting together a memo but she has a million things to do and she will be letting them know. Commissioner Barbara Casey asked if it would be for all the Board, Madam Chair Gurulé-Girón said yes everyone will be getting a copy.

Commissioner Vince Howell stated he also feels that since they all voted unanimously on bringing the resolution, they should have been alerted that she was not going to have the meeting that the Commissioners asked for. He stated it is important that the communication is made to all of them, especially when they unanimously voted to have the meeting. Madam Chair Gurulé-Girón stated she actually has the memo, she has not finalized it because she is looking at a couple of other things before she puts anything in writing. Commissioner Howell stated, they should have all been alerted to that. Madam Chair Gurulé-Girón stated she apologized for that.

Commissioner David Romero asked who Madam Chair Gurulé-Girón spoke to from HUD, she stated everything will be on the memo. He stated that they as the Board of Commissioners should be informed. Commissioner Barbara Casey stated the decision should have been made by the Board not by

an individual. Madam Chair Gurulé-Girón said for the independent audit, they actually need to review the rules for the Chairman of the HUD because actually they have more authority, probably more than they do in the Charter.

Ulibarri Jr. made a motion to approve the agenda as presented. Commissioner David Romero seconded the motion.

Madam Chair Gurulé-Girón asked for a roll call. Roll call was taken and reflected the following.

Commissioner Barbara Casey	No
Commissioner Vince Howell	No
Commissioner David Romero	Yes
Commissioner David Ulibarri Jr.	Yes
Commissioner Ember Davis	Absent

Madam Chair Gurulé-Girón voted Yes

Barbara Padilla re-read the motion and advised the motion carried.

APPROVAL MINUTES

Commissioner Barbara Casey made a motion to approve the minutes of the meeting on August 15, 2018 as amended. Commissioner David Romero seconded the motion.

Madam Chair Gurulé-Girón asked for a roll call. Roll call was taken and reflected the following.

Commissioner Vince Howell	Yes
Commissioner David Romero	Yes
Commissioner Barbara Casey	Yes
Commissioner David Ulibarri Jr.	Yes
Commissioner Ember Davis	Absent

Barbara Padilla re-read the motion and advised the motion carried.

PUBLIC INPUT

None at this time.

PRESENTATION – HOUSING AUTHORITY FINANCE REPORT

Natasha Martinez-Padilla, Financial Specialist presented the Housing Authority's Revenue and Expenditure report for the month ending August 31, 2018. She stated 17% of the budget being lapsed for FY 2019. Dwelling Rents are coming in a little lower than expected but they should be coming back up. They are right on line with the collections we are supposed to be getting. Operating Subsidy is being recorded on an accrual basis. It should be right in line this year as well. For transfers, it shows the 17% of the \$10,000 being transferred from General Fund. For Expenditures, employee expense and Operating Expenses, are at about 13% so they are a little lower than expected, which is good.

Commissioner Howell stated since Madam Chair Gurulé-Girón brought up that DC is going to do an audit, he asked if they are going to do a forensic audit on our financials. Madam Chair Gurulé-Girón stated she does not know to what degree they are going to conduct the audit, but she was assured that the Albuquerque HUD office will not be involved in the audit so it is a fair and impartial audit. She stated she does not know to what degree they are going to investigate but she believes it is going to be quite

thorough. Commissioner Howell asked if she usurped the Albuquerque HUD office letting them know she had gone to DC to ask for this audit. Madam Chair Gurulé-Girón stated, consistent with policy, if she feels it is not in the best interest to transfer the Housing Project straight up to Raton, she feels she has the authority, consistent with policy to request an independent audit, so yes she did her job.

Commissioner Howell stated he wanted to repeat what was said that it should have been the Board's decision. Madam Chair Gurulé-Girón stated not on a situation like this, as the Chairman of the Board she has the authority to request an independent report. Commissioner Howell said and the Chairman should have gone through the Board in informing them. Madam Chair Gurulé-Girón stated but you will be getting the informational memorandum to that affect. Commissioner Howell stated it is very disappointing that we went this route. Madam Chair Gurulé-Girón stated what she thinks is disappointing is when you have someone at the HUD office calling meetings that could involve negotiations and that could pose a threat to the city's negotiating team and she thinks that's more disappointing. She stated that's something that we should genuinely be concerned about. She stated she did what she thought was in the best interest of the City of Las Vegas and the Housing Authority here. She stated, I did my job Councilor Howell.

Commissioner David Romero asked which policies Madam Chair was talking about. Madam Chair Gurulé-Girón stated there's the public housing authority policies and the rules within that authority. Commissioner Romero asked, do we have them. Madam Chair said they should have them and if not we can get them.

Commissioner Barbara Casey stated to Madam Chair, it was her understanding that because this is a political body, the council, that the rules that the council functions by are the same rules that this Commission functions by. Madam Chair Gurulé-Girón said yes. Commissioner Casey said she is wondering why she would go with the Housing language now, but she hasn't before. Madam Chair Gurulé-Girón said she doesn't know what Commissioner Casey is talking about. Commissioner Casey said she is referring to the guidelines for the Housing Authority. Madam Chair Gurulé-Girón stated that the City of Las Vegas operates under certain guidelines and the Housing Board operates under certain guidelines. Commissioner Casey said that is not her understanding. Madam Chair Gurulé-Girón said that is the way it should be, but she will get those policies. Commissioner Casey stated that Madam Chair should've had them ready for them this evening so they could have looked at them. Madam Chair Gurulé-Girón said you can look at them and you can research your own policies Councilor Casey. Commissioner Casey said she will do that.

Madam Chair Gurulé-Girón stated as far as making the decision, she has to do what's in the best interest of the city. She stated she also discovered that the receivership, as Commissioner Casey has threatened openly and publicly is absolutely untrue. She stated, we do not go into receivership because the HUD Albuquerque office determines that. The final determination will come from the DC office. Commissioner Casey wanted to clarify that she has not threatened anything. She stated this is what she was told and was merely repeating what she has been told and for Madam Chair to say that she is threatening receivership is absolutely unfair and inaccurate. Disagreements commenced between Madam Chair and Commissioner Casey.

Commissioner Howell stated he believes the memo from HUD had referred to the receivership because if we don't do the transfer then the possibility of the receivership is there. He stated that is where Commissioner Casey was referring to. Discussion ensued regarding where the implied threat of receivership originated.

Madam Chair Gurulé-Girón stated she has to protect the interests of the City with regards to any negotiations and that is exactly what she is doing, she is doing her job. Commissioner Howell stated the memo went to all of them, not just Commissioner Casey. Madam Chair said she understands that but the receivership to her was an immediate threat and she does not believe that's how they need to go because they have to go into negotiations if that is what they want. She stated she doesn't have a problem with that but the negotiating team is very specific.

HOUSING DIRECTORS MONTHLY REPORT

Interim Director Barbara Padilla reported that maintenance continues to work on unit turnarounds, ground keeping, work orders and other day to day operations. Interim Director Padilla stated they may have noticed that the fence on New Mexico Avenue was damaged by a vehicle. She stated the HA is in the process of going through the insurance to try to take care of that. For Housing Management, the Waiting List Manager continues to accept and process applications daily. Housing Managers continue with day to day operations, including lease enforcement, annual recertifications, annual inspections, code enforcement, as well as meeting with residents to discuss any lease violations and seek to resolve any issues as they occur.

Housing staff continues to attend monthly training provided by Risk Management. Interim Director Padilla stated that she and Natasha attended the 2018 Housing Summit last week. She stated they got a lot of good information and did a lot of networking.

The roofing project is ongoing throughout Housing. The two unit remodel project on Sandoval is also ongoing and we hope to have it substantially completed by the end of September.

COMMISSIONERS REPORT

Commissioner Vince Howell discussed that he had spoken to Interim Director Padilla about some concerns from a resident. He asked the status on that. Interim Director Padilla stated she did look into it and found that there were no work orders made by the tenant. She also spoke to staff and this individual had not made contact with any HA staff that she was aware of. She stated that HA staff did reach out to the tenant to see if there was an issue and the tenant said there isn't. Commissioner Howell said please check into that because the tenant explained to him that he had been calling. Interim Director stated in speaking to all the staff, no one had received a call or complaint from this resident. She assured the Commissioners that any issues they are made aware of do get taken care of, but the residents do need to let Housing know if they are having these issues.

Commissioner David Ulibarri Jr. asked Interim Director Padilla if Housing has taken a look at a retaining wall that is leaning by Daylight Donuts. Interim Director Padilla stated she was just made aware of that and she will speak to the Maintenance Supervisor to get clarification on who is responsible for that wall. Commissioner Ulibarri Jr. said the owner of Daylight Donuts confronted him and asked him about it. Interim Director Padilla stated she has not seen it herself but will be looking into it. Commissioner Ulibarri Jr. said it is a liability between the City and them. Interim Director Padilla stated that is something we will need to look into to see who is liable.

Commissioner David Romero asked about the Compliance Report that was received in the audit findings. He stated he knows there were some issues with policies and he asked for the status of those policies, and have they been submitted. Interim Director Padilla said she would not have the answer to that and referred the question to the Acting City Manager. Acting City Manager Ann Marie Gallegos stated, you did submit everything that was turned over to you, correct, for the compliance review. Interim Director Padilla stated, yes we did. Finance Specialist Natasha Martinez-Padilla stated yes they were submitted they just hadn't been presented to the Commission. Acting City Manager stated, and they won't be

presented until we get HUD review. She stated she is expecting them to review it first, give us any changes and their recommendations.

Madam Chair Gurulé-Girón asked, when did they submit the report. Acting City Manager Gallegos stated, February 28th. Madam Chair Gurulé-Girón asked, and we have not received anything from HUD yet. Acting City Manager Gallegos stated, no.

Commissioner David Romero stated he had an opportunity to talk to HUD and he stated they wanted us to present the policy prior to them looking at it. He stated they are our policies. We are waiting for them and they are waiting for us. Acting City Manager Gallegos stated this is the first she is hearing that they are waiting for us. Madam Chair Gurulé-Girón said to Commissioner Romero, you talked to Mandy I gather. He said yes. He stated he wanted to ask her why the meeting or work session that was scheduled, was cancelled. Madam Chair asked, what did she tell you. Commissioner Romero stated that there was no Public Notice of a possible quorum.

Commissioner David Romero wanted to go back to the findings. He stated we can't just forget about them until whatever Madam Chair did in DC is done. Madam Chair Gurulé-Girón stated she still has to do her job. She has to submit that to the City, either the fact that she accepts or she rejects the policies submitted. Interim Director Padilla explained to Madam Chair, those responses were included in the packet in last month's meeting. Madam Chair Gurulé-Girón said she remembers. Interim Director Padilla stated, we did start discussing it. Madam Chair said so we still have not had a response, correct. Interim Director Padilla stated, that was HUD's response and she believes they are waiting for us to complete the incomplete findings. Madam Chair asked Acting City Manager Gallegos if that was it. Acting City Manager Gallegos stated we did submit the Accounting Policies on February 28th. We submitted them in draft form. We preferred that they review them because State Standards and Federal Standards are different. She stated they were not sure whether she was going to ask us to include any of the other Federal Standards if in fact they needed to be included. She stated she felt that it was best for us to send them in draft form. She did not want to come back to the Commission, have them adopt something and then have to come back and amend the resolution for adoption. Acting City Manager Gallegos stated if Mandy did indicate to you on Tuesday that she was waiting for us to set up the adoption, then of course the staff at Housing can bring those back to the Commission to submit for approval, that should be a very easy fix.

Commissioner David Romero stated to Madam Chair that he is still confused as to how she went about and got in contact with DC. He stated, we had an attorney (Danelle Smith) that drafted this resolution, and he has a copy of it. He stated he is surprised because last week when they had a special meeting on Monday, she said she got it done that week, yet they were never notified and he had to request it. Madam Chair Gurulé-Girón stated she had informed the council that they would need to move into negotiations so that is exactly what is holding up the resolution and her bringing the resolution to the table. She stated there's a lot of points and important factors that could benefit the City, that if we don't negotiate those appropriately and we just turn everything without negotiations, she doesn't think that is in the best interest of the City. Commissioner Romero stated that is where the resolution was going to start the negotiations. Madam Chair Gurulé-Girón stated, no, the negotiations would just be enter into negotiations, but then after she has been in contact with the DC HUD office, they said to hold off on everything because they were getting mixed messages, is what she was told, from the Albuquerque office, versus what we had in our possessions, the records and information was not matching.

Commissioner David Romero said with this resolution, he doesn't know what we paid our attorney, but in this resolution that was drafted by her, we were given this guideline and this resolution isn't anywhere near it. He stated he asked (Mandy Griego) if she had been in contact with the Attorney, she said she

hadn't. Commissioner Romero asked Housing staff if they had seen this (holding up a draft resolution). Interim Director Padilla stated no, we have not seen it. Madam Chair Gurulé-Girón stated you had to have seen it, you got it in the packet. Interim Director Padilla said, it is not in the packet. Madam Chair questioned which resolution it was. Commissioner Romero stated this is the draft resolution done by Danelle Smith. Madam Chair Gurulé-Girón said yes, that's the draft resolution you (Commissioner Romero) took to Casandra to put on the Agenda. She told Housing staff, of course you saw it. You had to have. Housing staff again said no, they had not seen it. Madam Chair asked did Casandra (City Clerk) ever...(unfinished). Acting City Manager Gallegos stated that resolution was never taken. Madam Chair Gurulé-Girón stated yes, of course, I recall. She stated the draft resolution is a draft for that purpose.

Commissioner Romero stated he remembers the direction that Madam Chair gave the Acting City Attorney stating she would work with Housing staff. Madam Chair agreed. Commissioner Romero said then somewhere down the line there is a big communication gap. Madam Chair Gurulé-Girón stated, we were going to work with Housing staff, but let me tell you what happened. She stated she looked at the policies and she found a policy that said we are not to have any, there are certain individuals who can negotiate and Housing staff was not one of them. She stated so the first draft that was written was pretty much consistent with what Mandy wanted so we had to redraft another draft and resubmit a brand new resolution that was consistent with policy. She stated then she was in contact with the DC office and she told them about her concerns, the fact that she had called a meeting, and she's already explained this, she doesn't want to keep repeating herself.

Commissioner Romero stated that to his knowledge, the meeting was an informational meeting to the community as to the possibilities. Madam Chair Gurulé-Girón stated and that was her decision (Mandy Griego's) to cancel, we didn't get involved in that meeting. Commissioner Romero stated he was told otherwise. Madam Chair asked Commissioner Romero who told him. He stated Mandy. He stated an email was sent out to City staff to post it in the newspaper that there might be a possible quorum and that didn't happen. Madam Chair Gurulé-Girón stated she didn't call the meeting, it wasn't a City called meeting. She (Mandy) called the workshop, not her. Commissioner Romero stated he has seen this done for other meetings when there is a possibility that a majority of the Commissioners will be in the same place. Madam Chair Gurulé-Girón stated apparently she (Mandy) contacted, she's not certain if it was the Attorney or the City Clerk and told her she was just going to post the notice, so she was under the assumption that that's what she was going to do.

Commissioner Howell stated Madam Chair mentioned that the policy she read stated that staff should not get involved. Madam Chair Gurulé-Girón said yes there is a policy in there. Commissioner Howell asked, does it state that the Director of our Housing Authority and the Finance Specialist cannot get involved. Madam Chair Gurulé-Girón stated, absolutely, that's exactly what it states. The only individuals that will get involved are the City Manger, the City Attorney and the Mayor. With regards to the actual negotiations and then they will bring it to the Commission. She stated right now if you look at the policy as it's written, there is a huge conflict of interest with the staff getting involved with the negotiations. Commissioner Howell stated, but they are the ones that develop the budget and their the ones that give direction to the Housing Authority. Madam Chair Gurulé-Girón stated, yes, but they are also involved in benefiting from the Housing Authority if they transfer. Commissioner Howell stated, he is confused about that. He said, the statement was made that the resolution was going to be done by the Attorney and involve the staff to look at the resolution to make sure that the wording and everything was right. There wasn't any negotiation on the resolution, it was just the fact that the resolution needed to be stated that we can move forward to step number two. Madam Chair Gurulé-Girón said yes, and then there was policy that she found. She said there is a policy, and in that policy it says that the staff does not have the right to negotiate. Commissioner Howell stated but that's not a negotiation. Madam

Chair Gurulé-Girón stated well we are going to go into negotiation because that's what Mandy requested. Commissioner Howell said again, not for that resolution. Madam Chair stated, part of the resolution that Mandy put together, is that staff negotiate. She stated, we are not going to allow the staff to negotiate if the policy states that it has to be certain individuals, we are going to stick to policy.

Commissioner Howell asked, what about the Board. Why does the Board exist if we are not involved in any of this. Madam Chair Gurulé-Girón stated, because that is an administrative function, we know this already, we've discussed this, for years. Commissioner Howell stated but the Board used to have input. Madam Chair stated, we bring to the Board, the final recommendations because there is a lot of things that this Board is not familiar with that have occurred, that are excellent negotiating points on behalf of the City and she would rather not discuss them, and she's not going to in an open meeting.

Commissioner David Romero stated, here is the draft. The draft says nothing about the employees. Madam Chair stated that the first draft did. It included the employees for negotiation. She stated this was Mandy's draft. Natasha Martinez-Padilla corrected, saying it was actually Julian Barela from the HUD office in Albuquerque, not Mandy. Commissioner Romero stated he will differ with Madam Chair saying we are one of the few cities that oversee the Housing Authority. He asked about policies that talk about the City Manager and others. Madam Chair said yes there are policies and they are cited in that draft. She stated she has talked to a lot of the individuals in the community and they have all said, do not let go of the Housing Authority if you don't have to. She said we're talking a lot of ex Councilors, ex Mayors, and they believe that it should stay here and it should stay, if not under the City administration, under a local administration.

EXECUTIVE SESSION

None

ADJOURN

Commissioner Barbara Casey made a motion to adjourn the meeting. Commissioner David Romero seconded the motion.

Madam Chair Gurulé-Girón asked for a roll call. Roll call was taken and reflected the following.

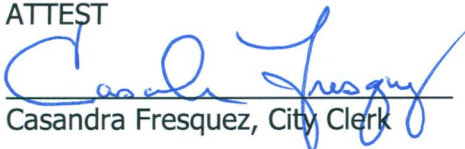
Commissioner David Ulibarri Jr.	Yes
Commissioner Barbara Casey	Yes
Commissioner David Romero	Yes
Commissioner Vince Howell	Yes
Commissioner Ember Davis	Absent

Barbara Padilla re-read the motion and advised the motion carried.



Madam Chair Tonita Gurulé-Girón

ATTEST


Casandra Fresquez, City Clerk